

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** November 23, 2016

**SUBJECT:** BZA Case 18315A (1623 28<sup>th</sup> Street, N.W.) for a special exception to permit the continued use of a historic residential property by a nonprofit organization

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the application and that the conditions of the previous application, as enumerated in BZA Order 18315, are carried forward with the following changes as noted below and as agreed to by the applicant:

- The maximum number of events per year shall be as follows:

Type of Event	Number of Guests (per event)	Maximum Number per Year
Fellows <del>Meeting</del> /Artists Resident Respite (small)	1-20-10	24 <del>12</del> one- to five- <del>fourteen</del> day meetings <del>Monday-Friday</del>
<del>Fellows</del> Non-Profit Meetings ( <del>large</del> ) (Kuno/Ueno Foundation)	<del>21-50</del> 1-50	12 two-day meetings, Monday- Friday
Foundation Concerts/ <del>Exhibition</del> Exhibits	1-50	24
	51-80-90	<del>18</del> 15
	81-150 91-120	<del>12</del> 5
Civic/Fundraising Events (for the occupying nonprofit organization only)	50-100	<del>2</del> 0
	Up to 200	1 2

### **II. BACKGROUND**

The nonprofit use of the historic residential buildings was approved in 2012 pursuant to BZA Order 18315, subject to the following conditions:

- This approval shall be for a term of **FIVE (5) YEARS**, beginning on the date upon which the order became final.
- The subject property shall not be used as a rental venue for social or other events.
- A maximum of nine nonprofit employees may work on-site.
- The hours of operation shall be:
  - Nonprofit Offices:**  
Monday through Friday, 7:00 a.m. to 8:00 p.m.; and

Saturday and Sunday (occasionally), 7:00 a.m. to 5:00 p.m.

b) **Fellows Meetings:**

Monday through Friday, 7:00 a.m. to 9:00 p.m.

c) **Music concerts for invited guests only during the following hours:**

Monday through Thursday, 2:00 p.m. to 4:00 p.m., and 7:00 p.m. to 10:00 p.m.

Friday and Saturday, 1:00 p.m. to 10:00 p.m.; and

Sunday, 1:00 p.m. to 9:00 p.m.

d) **Exhibitions for invited guests only during the following hours:**

Monday through Thursday, 10:00 a.m. to 4:00 p.m.

Friday and Saturday, 1:00 p.m. to 10:00 p.m.; and

Sunday, 1:00 p.m. to 9:00 p.m.

e) **Civic/Fundraising for invited guests during the following hours:**

Monday through Thursday, 7:00 p.m. to 10:00 p.m.;

Friday and Saturday, 1:00 p.m. to 10:00 p.m.; and

Sunday, 1:00 p.m. to 9:00 p.m.

f) **Valet and other staff, including cooks, caterers and janitors** associated with music concerts, exhibits and civic/fundraising events shall leave the subject property within one hour after the conclusion of the event.

g) Noisy vendor breakdowns and loading shall occur before 10:00 p.m., or shall takeplace on the following business day between the hours of 8:00 a.m. and 5:00 p.m. Trucks associated with noisy vendor breakdown and loading shall depart the subject property before 10:00 p.m.

5. The maximum number of events per year shall be as follows:

Type of Event	Number of Guests	Maximum Number per Year
Fellows Meeting (small)	1-20	24 one- to five-day meetings Monday- Friday
Fellows Meeting (large)	21-50	12 two-day meetings, Monday- Friday
Concert/Exhibition	1-50	24
	51-80	18
	81-150	12
Civic/Fundraising Events (for the occupying nonprofit organization only)	50-100	2
	Up to 200	1

6. The Applicant shall minimize traffic and noise impacts by employing the following measures:

- All guests and vendors shall be informed in advance to park on-site and to pick up or drop off passengers on-site.
- The Applicant shall direct on-site parking for any event with fifty (50) or fewer guests. For any events with more than fifty guests, the applicant shall provide on-site valet parking.

- c. Valet parking providers shall be instructed in advance to unload, load and park all vehicles on-site.
  - d. Passenger vans used for Fellows Meetings shall arrive before 7:30 a.m. or after 9:00a.m., and shall depart before 5: 15 p.m. or after 6: 15 p.m.
  - e. Nonprofit employees shall park on-site.
7. Passenger vans used in connection with an event shall be no larger than approximately twenty feet in length. Vehicles used in connection with an event shall load, unload, park and wait onsite, not on the street.
8. Attendees at Fellows Meetings may reside on-site for the duration of the meeting. Fellows housed off-site shall arrive on-site by passenger van.
9. No amplified music shall be permitted on the outside grounds of the subject property.

The previous nonprofit use, S&R Foundation, relocated off-site in 2106. The managing members of the S&R Foundation, Sachiko Kuno and Ryuji Ueno, propose to continue to use the property as before under their respective foundations, Sachiko Kuno Foundation and Ryuji Foundation, both nonprofit organizations, similar to the previous approval, but with fewer events per year.

### III.LOCATION AND SITE DESCRIPTION

Address	1623 28 <sup>th</sup> Street, N.W.
Applicant	Evermay Georgetown, LLC
Legal Description	Square 1285, Lot 815
Ward, ANC	Ward 2; ANC 2E
Zone	R-19
Historic District	Georgetown
Lot Characteristics	Large, unusually shaped lot
Existing Development	Historic mansion and associated outbuildings
Adjacent Properties	North and East: Oak Hill Cemetery South: One-family detached dwellings and an institutional use West: Across 28 <sup>th</sup> Street, one-family dwellings
Surrounding Neighborhood Character	One-family residential, institutional and cemetery uses
Proposed Development	Continuation of use of historic residential property as previously approved, but with 59 <u>fewer</u> events per year (34 total)

#### **IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>Zone R-19</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height B § 1203	3-story max.	2.5 stories	No change	None required
Lot Width D § 1202.1	50 feet.	440 feet	No change	None required
Lot Area D § 1202.1	5,000 sq. ft. min.	3.58 acres.	No change	None required
Lot Occupancy D § 1204	40% max.	< 40%	No change	None required
Rear Yard D § 1206	25-foot min.	> 25 feet	No change	None required
Side Yard D § 1207	ft. min.	None	No change	None required

#### **V. OFFICE OF PLANNING ANALYSIS**

- i. Special Exception Relief pursuant to U § 2013.1(n), Use of Existing Residential Buildings and the Land on which they are located by a Nonprofit Organization for the Purposes of the Nonprofit Organization**

- (1) If the building is listed in the District of Columbia's Inventory of Historic Sites or, if the building is located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites;**

The subject property is listed in the DC Inventory of Historic Sites, the National Register of Historic Places and as a historic landmark.

- (2) If the gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000 sq. ft.) or greater;**

The gross floor area of the main building is 10,110 square feet, in excess of the minimum requirement.

- (3) The use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties;**

The applicant for the previous application worked with the community to ensure that the use of the property would not adversely affect neighboring properties. In addition to reducing the number of events to no more than 34, the applicant proposes to maintain all of the conditions, including those related to traffic, access and outdoor activities.

Therefore, the use of the property by a nonprofit organization should not adversely affect the use of neighboring properties.

- (4) The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood;**

The site can accommodate approximately one-hundred vehicles on-site, previously found to be sufficient. The applicant also proposes to continue to provide transportation to the site in vehicles capable of navigating the site to prevent parking and loading and unloading on the street.

- (5) No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold in the residential buildings or on the Subtitle U-13 land by a nonprofit**

**organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization; and**

The applicant is in agreement with this criterion.

- (6) Any additions to the building or any major modifications to the exterior of the building or to the site shall require approval of the Board of Zoning Adjustment after review and recommendation by the Historic Preservation Review Board with comments about any possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located.**

No building additions or major modifications to the exterior of the building are proposed.

- ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The proposal would be in harmony with the general purpose and intent of the Zoning Regulations. Subtitle U § 2013.1(n) of the Zoning Regulations is intended to provide for the operation of nonprofit organizations within large historic structures, as proposed by the subject application.

- iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The continued use of the subject property for nonprofit use, pursuant to the same conditions as previously approved but with fewer events per year, should not adversely affect the use of neighboring properties. The subject property is large, approximately 3.5 acres in size, and abuts a cemetery to the north and east. Dumbarton House, a non-residential use, is operated as a museum and institutional use and abuts approximately one-half of the southern lot line and a public street abuts the property to the east. Hours of operation for the various types of events proposed, provision of all parking and loading on-site and a requirement that there be no outdoor amplified music all serve to ensure that the use would continue to not adversely affect the use of neighboring property.

The Historic Preservation Office had no comments on the application.

## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

DDOT, in a memorandum dated November 21, 2016, had no objection to the application.

No comments were received from other District agencies.

## **VII. COMMUNITY COMMENTS**

The SMD Commissioner for ANC 2E07 informed OP by email on October 24, 2016 that she had no objections to the application.

No other community comments were received.

Attachment: Location Map

